

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

JOHN DOE,

Plaintiff,

v.

**VIRGINIA POLYTECHNIC
INSTITUTE AND STATE
UNIVERSITY, *et al.*,**

Defendants.

Civil Action No. 7:21-cv-00378

**MEMORANDUM IN OPPOSITION TO
MOTION TO RECONSIDER PURSUANT TO RULE 54(b)**

Defendants have filed a Motion to Reconsider Pursuant to Rule 54(b) (ECF No. 95), seeking entry of an Order reconsidering and vacating the Court's Order amending its partial dismissal Order (ECF No. 91). Defendants' Motion simply incorporates and relies on the arguments set forth in Defendants' Memorandum in Support of Motion to Dismiss Pursuant to Rule 12(b)(6) (ECF No. 94). For the reasons stated in Plaintiff's contemporaneously filed Memorandum in Opposition to Motion to Dismiss Pursuant to Rule 12(b)(6), the Court's Order amending its partial dismissal Order (ECF No. 91) was correctly decided. Therefore, Defendants' Motion to Reconsider Pursuant to Rule 54(b) should be denied.

Respectfully submitted,

John Doe

By: /s/ Daniel J. Martin
Of Counsel

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CERTIFICATE OF SERVICE

I hereby certify that on October 11, 2023, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing to all counsel of record.

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